UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE

January 12, 2015

James C. Childress, Vice President,
Corporate Environmental Compliance
Clean Harbors Environmental Services
2815 Old Greenbrier Pike
Greenbrier, Tennessee 37073

Antonio Boiano, Facility Manager
Safety-Kleen Systems, Inc.
167 Mill Street
Cranston, Rhode Island 02905

Re: Second Clean Air Act and Resource Conservation and Recovery Act Information Request

Dear Mr. Childress and Mr. Boiano:

The United States Environmental Protection Agency ("EPA"), Region 1, is evaluating whether the Safety-Kleen facility located at 167 Mill Street in Cranston, Rhode Island is in compliance with applicable state and federal requirements under the Clean Air Act ("CAA") and the Resource Conservation and Recovery Act ("RCRA"). On June 6, 2014, EPA Region 1 issued a joint CAA/RCRA Information Request ("June 2014 Information Request") seeking various compliance information regarding the Safety-Kleen Cranston facility. On August 15th, August 22nd, and September 19, 2014, Clean Harbors Environmental Services ("Clean Harbors") provided responses for Safety-Kleen to the June 2014 Information Request. Today EPA Region 1 is issuing a second joint CAA/RCRA Information Request ("Second Information Request") regarding the Safety-Kleen Cranston facility.

Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), authorizes EPA to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether a facility is in compliance with the CAA. Section 3007 of RCRA, 42 U.S.C. § 6927, authorizes EPA to request compliance information from any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes.

Accordingly, within 30 days of receiving this Second Information Request, Safety-Kleen shall submit the CAA and RCRA information described in Attachments A and B to:

Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100 (OES04-2)
Boston, Massachusetts 02109-3912
Attn: Steven J. Viggiani

Be aware that if Safety-Kleen does not provide the information in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the CAA and Section 3008 of RCRA. Federal law also establishes criminal penalties for providing false information to EPA. This Second Information Request is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b), the text of which is provided below in Attachment C. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

If you have any questions regarding this Second Information Request, please contact Joan Jouzaitis, Environmental Engineer, at (617) 918-1846 regarding the CAA requests or Donald MacLeod, Environmental Engineer, at (617) 918-1405 regarding the RCRA requests, or have your attorney contact Steven Viggiani, Senior Enforcement Counsel, at (617) 918-1729.

Sincerely,

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship

Attachments

cc: Timmery Fitzpatrick, Esq.
William Connors, Clean Harbors
Ted Burns, RIDEM
Tracey Tyrell, RIDEM

ATTACHMENT A: CAA QUESTIONS

For the Safety-Kleen facility located at 167 Mill Street in Cranston, Rhode Island ("Cranston Facility" or "Facility"), provide a separate numbered response to each numbered paragraph or subparagraph below. If information required to respond to a question has already been provided in response to another question in either this Attachment or Attachment B, Safety-Kleen need not duplicate the information but must clearly identify it and cross-reference the other response. If Safety-Kleen does not have requested information or documents for any question, Safety-Kleen must clearly state this fact in its response.

1. For the period January 1, 2012 through December 2014, provide the information requested on the appended spreadsheet "Tank Specifications and Throughput" for the following tanks: 9C, 9D and 14.

2. In its previous Information Request responses to CAA Question 2.a, Safety-Kleen provided a spreadsheet document entitled "Cranston RC Goods and Production 2012, 2013." The spreadsheet columns are not labeled. Please provide the column headings for this spreadsheet. For the date column (column 7), explain what the date correlates to. Similarly, provide an explanation for any other column where the column heading alone would be ambiguous or unclear.

3. In its previous Information Request responses to CAA Question 2.d, Safety-Kleen provided a "Fuel Blend MSDS" for the material "Hazardous Waste Derived Fuel - 2." The HMIS Summary Sheet references "Synthetic Fuel" storage in Tank # 14. Is this "Synthetic Fuel" referenced in the HMIS Summary Sheet the same as the "Hazardous Waste Derived Fuel - 2" referenced in the Fuel Blend MSDS? If these are not the same product, please clarify the differences between the products "Synthetic Fuel" and "Hazardous Waste Derived Fuel - 2" and identify where the "Hazardous Waste Derived Fuel - 2" is referenced in other documents provided in Safety-Kleen's previous Information Request responses.

4. State the first year during which the Cranston Facility received the following materials, and state the quantity of each material received for that calendar year:
   a. virgin perchloroethylene; and
   b. non-hazardous liquid waste containing > 5% (by weight) ethylene glycol and/or methanol.

5. Describe any modifications made to the Cranston Facility's carbon adsorption system from 2004 through December 2010, including but not limited to any modifications made as a result of the flood at the Facility on April 1, 2010.

6. The following questions pertain to volatile organic compound ("VOC") monitoring practices for the Cranston Facility's carbon adsorption system:

a. Provide a copy of any standard operating procedures, other protocols, instructions or directions used or intended for use by Cranston Facility personnel regarding VOC monitoring for the carbon adsorption system (and for any tanks, containers or process vents whose air emissions have been vented through the carbon adsorption system) at any time from January 2010 to the present, and state the date(s) (month/year) when these procedures, protocols, instructions or directions were in use at the Facility.
b. Provide a detailed description of any unwritten practices regarding VOC monitoring for the carbon adsorption system (and for any tanks, containers or process vents whose air emissions have been vented through the carbon adsorption system), both at present and at any time from January 2010 to the present. Specifically state whether such practices include or have included performing VOC monitoring during certain facility operations, and if so, describe the practice(s) and operation(s).
c. State the date (month/year) when Cranston Facility personnel began using a Multi-REA to measure VOC emissions.

7. The following questions pertain to VOC and other air emission monitoring results and records for the Cranston Facility:
   a. State whether any sort of logs, records or measurements were made or kept at any time from January 2010 through December 2014 regarding VOC or other air emissions at the Facility (including but not limited to VOC concentrations related to the carbon adsorption system), or regarding the performance of the carbon adsorption system or any other air emission controls at the Facility, irrespective of whether such logs, records or measurements were made to comply with any federal or state environmental requirements.
   b. Describe each type of log, record or measurement identified in response to Question 7.a above, and provide a copy of all such logs, records or measurements in their original format. If any logs, records or measurements are available only in other documents (e.g., in subsequently compiled spreadsheets), Safety-Kleen must clearly state that it possesses the information only in other documents, and must provide the other documents with the required information clearly identified therein.

8. In its previous Information Request responses, Safety-Kleen provided a test report, dated December 17, 2011, from Process Engineering Services, Inc., regarding testing of the Cranston Facility's carbon adsorption system on December 8-9, 2011.
   a. Provide any written documents (correspondence, e-mails, letters, etc.) generated by Safety-Kleen personnel that reference, discuss or respond to the Process Engineering test report.
   b. Describe any changes to Facility operations made in response to the Process Engineering test report.

9. Provide all letters, notices, reports, applications, e-mails or other correspondence sent by or on behalf of the Cranston Facility to the Rhode Island Department of Environmental Management ("RIDEM") regarding air emissions, air emission controls, or air permitting at the Cranston Facility. Also provide all letters, notices, approvals, e-mails or other correspondence sent by RIDEM to the Cranston Facility regarding these same matters.

Safety-Kleen Cranston

Spreadsheet for CAA Question 1, Second CAA/RCRA Information Request

Tank	Worst Case Product/Waste in Tank (i.e., worst case HAP-containing product or worst case waste with the highest vapor pressure)	Worst Case Product/Waste Composition and Concentration (list all HAPs)	Vapor Pressure of HAP(s) in Worst Case Product/Waste (in mmHg)	Type of Vent on Each Tank (e.g., conservation vent, vacuum vent, no vent)	Capacity of Tank (in gallons)	Throughput Capacity of Tank (in gallons/year)
9C						
9D						
14						

ATTACHMENT B: RCRA QUESTIONS

For the Safety-Kleen facility located at 167 Mill Street in Cranston, Rhode Island ("Safety-Kleen Facility" or "Facility"), provide a separate numbered response to each numbered paragraph or subparagraph in accordance with the instructions below. If information required to respond to a question has already been provided in response to another question in either this Attachment or Attachment A, Safety-Kleen need not duplicate the information but must clearly identify it and cross-reference the other response. If Safety-Kleen does not have requested information or documents for any question, Safety-Kleen must clearly state this fact in its response.

Definitions:

Whenever the terms listed below are used in this request, the following definitions shall apply:

"Waste determination documentation" refers to all documented efforts undertaken by Safety-Kleen to determine if a particular solid waste stream corresponds to a federal or state hazardous waste stream.

"Contents" shall mean any gas, liquid, or solid held in tanks, equipment or other container utilized as part of the operation.

Questions:

1. In EPA's June 2014 Information Request, RCRA Question 3.f asked for "any incoming and outgoing manifests" for the contents of certain drums, containers and tanks (identified at the beginning of RCRA Question 3) that had been observed at the time of EPA's inspection of the Cranston facility on May 13-15, 2013. Safety-Kleen's Information Request responses provided manifest numbers, but not the manifests themselves, for the identified drums, containers and tanks (except for drum/container #130509072962). As previously required, Safety-Kleen must provide the actual manifests for each of the identified drums, containers and tanks. In addition, Safety-Kleen must provide land disposal restriction ("LDR") notifications for the outgoing manifests for each drum, container or tank. If Safety-Kleen does not have the actual incoming and/or outgoing manifests or LDR documentation for a particular drum, container or tank, Safety-Kleen must clearly state, in accordance with the Information Request's instructions, that it does not possess the incoming and/or outgoing manifest for that particular drum, container or tank.

2. Safety-Kleen's Information Request responses in August 2014 included a table labeled "RCRA Q#3 Response" and a CD-ROM with a folder labeled "Waste Profiles" containing 10 waste profiles. The following questions pertain to these documents.

    a. For Container #120602053483, the table contained a corresponding waste profile number 150513. The CD-ROM did not include a waste profile #150513 for this

container; instead, it included waste profile #B35-INTER-NH. Please explain this discrepancy, and provide waste profile #150513 if applicable to Container #120602053483.

b. For Container #130502901889, the table contained a corresponding waste profile number 40588609. The CD-ROM did not include a waste profile #40588609 for this container; instead, it included waste profile #B22N-INTER. Please explain this discrepancy, and provide waste profile #40588609 if applicable to Container #130502901889.

c. For Container #130503938641, the table contains a corresponding waste profile number 40503874. The CD-ROM did not include a waste profile #40503874 for this container; instead, it included waste profile #LB2. Please explain this discrepancy, and provide waste profile #40503874 if applicable to Container #130503938641.

3. Safety-Kleen's Information Request responses in August 2014 to RCRA Question 3 did not provide complete information for drum/container #130509072962. Specifically, Safety-Kleen responded to RCRA Questions 3.d and 3.e by stating that it could not locate waste profiles or treatment standards applicable to this drum/container, but Safety-Kleen did not provide responsive information (or state that it possessed no information) for this drum/container for RCRA Questions 3.a, 3.b, 3.c and 3.f. Please provide the requested information for this drum/container for RCRA Questions 3.a, 3.b, 3.c and 3.f, or clearly state for each of these questions that Safety-Kleen does not possess the requested information.

4. Provide waste profiles for following wastes/tanks:
   a. waste antifreeze in Tank #33 (in Building B)
   b. used oil in Tank #30 (used oil tank in Building B)

5. Provide a copy of the Cranston Facility's financial assurance records (required by Rule 9 of RIDEM's Hazardous Waste Regulations, which references 40 C.F.R. Part 264, Subpart H) that were in place at the time of EPA's May 2013 inspection. Also provide the Cranston Facility's current financial assurance records if different than those in place in May 2013, and include the latest closure cost estimate and latest inflation-adjusted closure cost estimate (required by Rule 9.17 and 40 C.F.R. § 264.142).

6. In its previous Information Request responses, Safety-Kleen provided a document under the heading "Carbon Monitoring (RCRA Q4.d)." The document, labeled "Cranston Carbon Monitoring" is a log with entries for VOC concentrations and control efficiencies for the Cranston facility from December 2013 to August 2014.
   a. Provide the name(s) of the person(s) who recommended and initiated this VOC concentration and control efficiency monitoring.
   b. State the reason(s) why this monitoring was initiated.

c. State the date (month/year) when this monitoring was initiated, and state the date (month/year) when the results of this monitoring began to be recorded.
d. State the date (month/year) when this monitoring began to be performed by measuring the VOC concentration entering the carbon adsorption system with the vacuum off, then measuring the VOC concentration of the air entering the atmosphere with the vacuum on, in accordance with the "Notes" section of the Cranston Carbon Monitoring document. State the reason(s) why the monitoring was performed in this manner.
e. State whether the distillation system was being operated, and whether liquids were being pumped into or out of any tanks connected to the carbon adsorption system, during the monitoring dates/times listed in the Cranston Carbon Monitoring document.
f. State whether this monitoring has continued beyond August 2014, and, if so, provide copies of any monitoring logs kept from August 2014 through December 2014.

7. In EPA's June 2014 Information Request, RCRA Question 4.e asked for all design analysis records for the Facility's carbon adsorption system. Safety-Kleen's Information Request responses provided the "Process Engineering Design Analysis 2004." This document, whose full title is "Design Analysis: Non-Regenerative Carbon Adsorption Systems for control of Gaseous Volatile Organic Compounds," was dated February 20, 2004. This document is not a design analysis for Safety-Kleen's current regenerative carbon adsorption system. Please provide all design analysis records for Safety-Kleen's current regenerative carbon adsorption system, or clearly state that Safety-Kleen does not possess such records for the system.

8. Safety-Kleen's previous Information Request responses to RCRA Question 7 did not identify tanks at the Cranston facility that were subject to 40 C.F.R. Part 264, Subpart CC at the time of EPA's May 2013 inspection. The following questions pertain to Subpart CC tanks.
    a. Provide a complete list of hazardous waste storage tanks at the Facility that were subject to Subpart CC at the time of EPA's May 2013 inspection. For each listed tank, state the method(s) used by Safety-Kleen to comply with Subpart CC's air emission standards.
    b. Identify any tanks listed in your response to Question 8.a above that are no longer subject to Subpart CC. For each such tank, state the date (month/year) and the reason why it stopped being subject to Subpart CC.
    c. Identify any new tanks not listed in your response to Question 8.a above that are currently subject to Subpart CC at the Facility. For each such tank, state the tank's capacity and location, the date (month/year) in which it was installed and/or put into use as a hazardous waste storage tank, and the method(s) used by Safety-Kleen to comply with Subpart CC's air emission standards.

d. Identify any tanks not listed in your response to Question 8.a above that were subject to Subpart CC at the Facility at any time between January 2010 and May 2013. For each such tank, state the method(s) used by Safety-Kleen to comply with Subpart CC's air emission standards, and the date (month/year) and the reason why the tank stopped being subject to Subpart CC.

9. In its previous Information Request responses to RCRA Questions 7.b, which requested Subpart CC inspection logs for calendar years 2011, 2012 and 2013, Safety-Kleen provided one day of inspection logs for Facility Building A. Please provide the following:
   a. Copies of all inspection logs and operating records generated at the Facility pertaining to Subpart CC compliance for Facility Building C for December 2011 and for January 2013 through March 2014, and for Facility Building B for March 2013 through June 2013. The copied logs and records must be provided in their original format. If any logs or records are available only in other documents, Safety-Kleen must clearly state that it possesses the information only in other documents (e.g., in subsequently compiled spreadsheets), and must provide the other documents with the required information clearly identified therein.

10. In its Information Request response in September 2014 to RCRA Question 5 regarding Subpart AA-subject process vent emissions, Safety-Kleen stated that the estimated emission rate for the process vent from the carbon adsorption unit was approximately 5.2 lbs/hour. The following questions pertain to emissions from the carbon adsorption system's process vent:
    a. State the time period (month/year to month/year) for which the 5.2 lbs/hr rate applied to the process vent from the carbon adsorption unit.
    b. State whether the 5.2 lbs/hr rate refers to total organic emissions, or to one or more specific organic air pollutants. If the rate refers to one or more specific organic pollutants, identify the pollutants.
    c. Provide a detailed explanation of the basis for the 5.2 lbs/hr rate, including all test data, emission factors, assumptions and calculations used to generate the rate.
    d. Safety-Kleen's Information Request response in August 2014 to RCRA Question 5.f states that the Facility "discontinued operation of the solvent distillation unit to ensure that we were in compliance with permit emission standards (below < 3.1 as declared in permit)." State the date (day/month/year) on which the Facility permanently ceased operating the solvent distillation unit, provide the emission rate for the process vent from the carbon adsorption unit as of this date, and provide all test data, emission factors, assumptions and calculations used to generate the rate.
    e. State whether the emission rate provided in your response to Question 10.d above is the Facility's current emissions rate from the carbon adsorption unit's process vent. If not, state the date (month/year) when the rate changed, provide the current rate, and provide a detailed explanation of the basis for the new rate, including all assumptions and calculations used to generate the new rate.

f. If your responses to Questions 10.a - 10.e above do not provide an estimated emission rate for the process vent from the carbon adsorption unit for any period from January 2010 through November 2014, provide the emission rate(s) for the missing period(s), and provide a detailed explanation of the basis for the rate(s), including all test data, emissions factors, assumptions and calculations used to generate the rate (s).

11. In its Information Request responses to RCRA Question 4.i, Safety-Kleen stated that the Facility could not locate documentation for carbon replacement from 2011 to May 2014, but also stated that the Facility purchased a truck load of carbon around 2008 that was used as needed to supply the carbon adsorption unit." Provide a detailed description of how Facility personnel decided when replacement carbon was needed for the unit. State the name(s) of the Facility personnel involved in the decision. Provide any records pertaining to the purchase or replacement of carbon in the carbon adsorption system from 2008 to 2010.

12. In its Information Request responses to RCRA Question 4.j, Safety-Kleen stated that hazardous waste carbon "was disposed under an in-house general profile and sent for incineration." Provide a copy of the "in-house general profile" referred to in your answer above. Also provide a copy of the outgoing manifest for the hazardous waste carbon that was replaced in the carbon adsorption system in May 2013.

ATTACHMENT C: CBI CLAIMS

40 C.F.R. - CHAPTER I - PART 2
§ 2.203(b) Method of asserting business confidentiality claim

Method and time of asserting business confidentiality claim. A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as *trade secret, proprietary*, or *company confidential.* Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.